

REMARKS

§112 Rejections

Claims 39 and 42 were rejected as being indefinite. The Examiner stated that “the recitations ‘coupled to a housing’ and ‘positioned to slide on a housing’ are vague and indefinite as applicant appears to inferentially claim the housing.” Claim 39 now depends from claim 1 which positively claims the housing. Claim 42 has been cancelled by this amendment. Therefore, Applicant respectfully requests withdrawal of the indefiniteness rejection.

Prior Art Rejections

§102 Rejections

Claims 1-5, 7, and 8 were rejected as being anticipated by U.S. Patent No. 5,000,124 to Bergen. Also, claims 1-5, 7, 8, and 38-41 were rejected by U.S. Patent No. 2,943,831 to Goss (hereinafter “Goss”).

Claim 1 has been amended to include all limitations of former claim 6. Therefore, amended claim 1 is believed to be allowable over Bergen and over Goss. Claims 2-5, 7, 8, and 38-41 all depend from claim 1. Withdrawal of the rejections is respectfully requested.

§103 Rejections

Claims 1-9 and 38-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,588,023 to Cohen (hereinafter “Cohen”) in view of Goss. Cohen relates to a Vertically Adjustable Standard. Cohen includes a clamping unit 28 including a lock ring 50, an opening 42, and an actuating member 44 that extends within the opening to position the lock ring 50. Amended claim 1 requires and the proposed combination fails to disclose “the release being positioned to slide on an external surface of the housing during

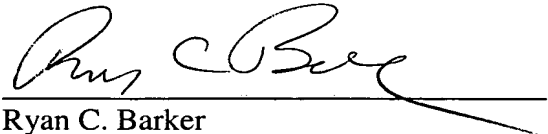
8266-0371

movement of the lock member between the first and second positions.” The Examiner stated that Cohen discloses “a release (44) configure to slide in the housing.” Sliding in a housing is not equivalent to and does not make obvious sliding on an external surface of a housing. Therefore, amended claim 1 is believed to be allowable over Cohen in view of Goss. Claims 2-9, and 38-41 all depend from claim 1. Withdrawal of the rejection is respectfully requested.

Applicants believe this application is in condition for allowance in its present form and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

If necessary, Applicants request that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan C. Barker", is written over a horizontal line.

Ryan C. Barker
Registration No. 47,405

RCB
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
464342_1